

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL EDWARD MUEHLEMAN, et al.,

Plaintiffs,

v.

ADVENTIST HEALTH HANFORD,

Defendant.

Case No. 1:23-cv-00728-JLT-EPG

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS ACTION BE
DISMISSED, WITHOUT PREJUDICE

OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN (14) DAYS

Plaintiffs Michael Edward Muehlemann and Lavonda Louise Ireland, proceeding *pro se*, filed this lawsuit on May 11, 2023. (ECF No. 1). The complaint contains few factual allegations, but generally indicates that a nurse at Adventist Health assaulted Plaintiff Ireland. Plaintiffs also filed an application to proceed *in forma pauperis* (IFP). (ECF No. 2).

Because the IFP application did not contain both Plaintiffs' financial information and because the information provided appeared to conflict with information provided in a separate case, the Court directed each Plaintiff to provide a new IFP application, or pay the \$402 filing fee, by no later than June 12, 2023. (ECF No. 3). The Court also informed Plaintiffs that they had the opportunity to file an amended complaint, clarifying their allegations.

However, the deadline to file a new IFP application has expired, and Plaintiffs have filed nothing since initiating this lawsuit. This failure is notable as the Court's prior order warned Plaintiffs that failure to comply with the order could result in the dismissal of this case.

Based on these circumstances, IT IS RECOMMENDED that:

1. This action be dismissed, without prejudice, based on Plaintiffs' failure to pay the filing fee pursuant to 28 U.S.C. § 1914 or to file an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915; and

2. The Clerk of Court be directed to close this case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14) days after being served with these findings and recommendations, Plaintiffs may file written objections with the Court. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.”

Plaintiffs are advised that failure to file objections within the specified time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: **June 30, 2023**

/s/ Eric P. Goss
UNITED STATES MAGISTRATE JUDGE